

REMARKS

This is in response to the non-final office action dated June 17, 2003. There are presently 35 claims pending in the case (claims 1 - 34 and 44) and all claims stand rejected. In this response claims 1, 18 and 44 have been amended in order to place the case in condition for allowance.

In the office action the Examiner rejected the claims as follows:

Claims 1-6, 8-15, 17-23, 25-32, 34 and 44 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,585,155 referencing certain claims being rejected under that patent. Furthermore, claims 7, 16, 24 and 33 were rejected under 35 U.S.C. 103(a) as being unpatentable over the '155 patent in view of U.S. Patent No. 6,344,288. Applicant acknowledges the rejection of the claims and respectfully traverses.

In the '155 patent to Heikkila, the '155 patent discloses a structural member comprising an extruded thermoplastic composite hollow core reliant upon an exterior continuous glass filament layer formed by pultrusion. In the present invention, the hollow load bearing structural element comprises solely an extruded profile of cut glass fiber reinforced thermoplastic composite plastics material. There is no need for an exterior reinforcing layer to provide the strength required, owing to the fact that the disclosed manufacturing process allows the glass reinforcing fibres compounded with the thermoplastic plastics material to remain long after extrusion, adding considerable strength to the material even when recycled cut glass fibres (fluff) are used. Therefore, claim 1 and method claim 18 have been amended to reflect that the hollow load bearing structural member as claimed obtains its flexural modulus without external reinforcement unlike being taught in the '155 patent.

Furthermore, independent claim 44 has also been amended to reflect the structural component of the load bearing structural member having a hollow profile and the reinforcement of the structural member by compounding the thermoplastic material in order to give it the proper flexural modulus., without external reinforcement.

Further in the office action, the Examiner has opined that it would have been obvious to modify the '155 patent board by increasing or decreasing its load capacity. It is implicit in the '155 patent that the extruded thermoplastic hollow core would not itself have the strength to be used as a structural member without the addition of the pultruded reinforcing layer. Thus, the '155 patent, cited by the Examiner, teaches away from the invention.

Applicant would submit that it has been the desire of the construction industry to make plastic hollow section boards, for use particularly in specialty areas such as the food industry, atomic

energy industry, offshore petroleum industry and the medical industry, where wooden boards are undesirable. Until the present invention arrived, all such products had been prohibitively expensive. The most recent attempt known to applicants was made by a Canadian company which produced a pultruded thermoset resin impregnated continuous glass filament plank known originally as NOVAPLANK, and now as ULTRAPLANK. Because of the high cost of pultrusion, ULTRAPLANK was offered for sale in the UK at 44 pounds per linear meter. In contrast, since August 1, 2003, applicants have successfully sold their high strength, light weight product to several companies at a price of only 5 pounds per linear meter. Thus, we submit that the applicant's invention, in meeting a long felt want in the construction industry, clearly has made an inventive step over the cited prior art.

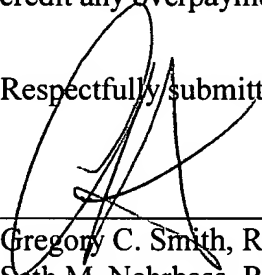
In view of the fact that the independent claims 1, 18 and 44 have been amended to claim material which is patentable over the prior art, likewise the remaining dependent claims are also patentable. Therefore, applicant, having offered the claim amendments and arguments of counsel, respectfully requests a reexamination of the application and a notice of allowance.

Should the Examiner feel that a telephone conference would advance the prosecution of this application, he is encouraged to contact the undersigned at the telephone number listed below.

Applicant respectfully petitions the Commissioner for any extension of time necessary to render this paper timely.

Please charge any fees due or credit any overpayment to Deposit Account No. 50-0694.

Respectfully submitted,

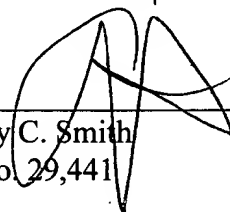


Gregory C. Smith, Reg. No. 29,441
Seth M. Nehrbass, Reg. No. 31,281
Charles C. Garvey, Jr., Reg. No. 27,889
Stephen R. Doody, Reg. No. 29,062
Brett A. North, Reg. No. 42,040
GARVEY, SMITH, NEHRBASS & DOODY, L.L.C.
PTO Customer No. 22920
3838 N. Causeway Blvd., Suite 3290
Metairie, LA 70002
Tel.: (504) 835-2000
Fax: 504-835-2070
e-mail: IPLNO@AOL.COM
www.neworleanspatents.com



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I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Mail Stop RESPONSE, Commissioner For Patents, P. O. Box 1450, Alexandria, VA 22313-1450, on this 16th day of October, 2003.



Gregory C. Smith
Reg. No. 29,441

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ABSTRACT

A load bearing element is extruded from a thermoplastic plastics material which is preferably a recycled material such as printed packing formed, preferably of biaxially oriented polypropylene and is compounded so that the element has a flexural modulus of 4000 Mpa or above.